



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, Director

November 8, 2019

Re: **Emerald BioEnergy, LLC
Notice of Violation (NOV)
NOV
NPDES
Morrow County
4IN00204**

Ms. Cari Oberfield
Emerald BioEnergy, LLC
P.O. Box 249
Delaware, OH 43015

Subject: Notice of Violation

Dear Ms. Oberfield:

Ohio EPA, Division of Surface Water (DSW) conducted a review of the 2018 annual sludge report submitted for Emerald BioEnergy, LLC. The goal of our review was to determine your facility's compliance with Ohio's environmental laws and regulations as found in Chapter 6111 of the Ohio Revised Code (ORC), Chapter 3745-40 of the Ohio Administrative Code (OAC), and the terms and conditions of NPDES Permit 4IN00204 issued on November 1, 2012.

Violation

Ohio EPA observed the following violation of Ohio's environmental laws and regulations and Emerald BioEnergy's NPDES permit terms and conditions. Ohio EPA DSW recommends you promptly address this violation.

Please pay special attention to the **Violation Description** and **Requested Action** associated with each violation listed below as they describe what exactly is in violation and the requested action to address the violation.

1. **ORC 6111.07(A)**: No person shall violate or fail to perform any duty imposed by sections 6111.01 to 6111.08 of the Revised Code or violate any order, rule, or term or condition of a permit issued or adopted by the director of environmental protection pursuant to those sections. Each day of violation is a separate offense.

OAC 3745-40-08(A)(2): Class B biosolids shall be beneficially used at the calculated agronomic rate at a beneficial use site.

NPDES 4IN00204, Part II. B: All disposal, use, storage, or treatment of sewage sludge by the Permittee shall comply with ORC 6111, OAC 3745-40, any further requirements specified in this NPDES permit, and any other actions of the Director that pertain to the disposal, use, storage, or treatment of sewage sludge by the Permittee.

- (a) **Violation Description**: The 2018 annual sludge report indicates that the actual agronomic rate exceeded the calculated rate for the following authorized sites where biosolids from Emerald were beneficially used in 2018.

<u>Ohio EPA Site</u>	<u>Ohio EPA Site</u>	<u>Ohio EPA Site</u>
21-00033	59-00077	59-00119
21-00195	59-00078	59-00120
21-00208	59-00079	59-00121
21-00209	59-00084	59-00123
21-00210	59-00085	59-00125
59-00072	59-00108	59-00139
59-00074	59-00109	59-00140
59-00075	59-00110	59-00141
59-00076	59-00118	

- (b) **Requested Action:** Please provide an explanation for why the agronomic rate exceedances occurred and submit a plan detailing the procedures that will be used to ensure that the calculated rates will not be exceeded for future land application events. Please also provide an acknowledgement that biosolids will not be beneficially used at the sites listed above until Ohio EPA reviews your response to this NOV and provides a resolution that indicates when these fields will be eligible for land application again.

Conclusion

No later than November 22, 2019, please submit the requested plans and provide documentation to Ohio EPA DSW of the actions taken and/or will be taken to resolve the violation cited above. Documentation of steps taken to resolve this violation includes but is not limited to: written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to betsy.vanwormer@epa.ohio.gov. If circumstances delay resolution of violation, Emerald BioEnergy is requested to contact Ohio EPA DSW to discuss the situation and propose an alternative schedule to resolve the violation in a timely manner.

Failure to comply with Chapter 6111.07 of the Ohio Revised Code and rules promulgated thereunder may result in an administrative or civil penalty.

Please note that the submission of any requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek administrative or civil penalties as provided in Section 6111.09 of the Ohio Revised Code.

Should you have any questions, please contact me at betsy.vanwormer@epa.ohio.gov or 614-644-2150.

Sincerely,



Betsy L. VanWormer, P.E.
Environmental Specialist III
Ohio EPA Division of Surface Water

cc: Erin Sherer, DSW, CO
Mark Stump, DSW, CO
Logan Randles, Renergy
Ashleigh Lemon, Renergy
Cari Oberfield, Renergy